



Environmental Fact Sheet

EPA Amends Primary Petroleum Sludge Listing

Following the promulgation of the Primary Petroleum Sludge Listing in the fall of 1990, EPA is clarifying the listing to exclude non-contact, once-through cooling waters and floats emanating from F038 units as a result of biological treatment. EPA considers these wastes to be significantly different in concentration and makeup, and therefore beyond the scope of the original listing. At the same time EPA is requesting additional data to determine whether these wastes may justify a new listing.

Background

The Resource Conservation and Recovery Act (RCRA) authorizes the Environmental Protection Agency (EPA) to designate or "list" wastes as hazardous. Listings are used to capture specifically identified waste streams that may not be captured by "characteristic" criteria. A listed waste has been determined to have hazardous constituents present at levels that may pose a threat to human health and the environment and must be handled as hazardous "from cradle to grave."

Based on a 1980 proposal and subsequent data-gathering efforts, on November 2, 1990, EPA promulgated a final rule under RCRA, listing two new wastes. Designated as F037 and F038, those wastes are generated in the primary and secondary separation of oil, water, and solids from petroleum refinery process wastewater and oily cooling wastewaters.

Since publishing the final rule, EPA has realized that including non-contact, once-through water in the definition of "oily cooling waters" may unintentionally extend the F037 and F038 listings to wastes that have much lower concentrations of hazardous constituents than other listed petroleum treatment wastes. Unlike contact cooling waters, most non-contact, once-through cooling waters have little exposure to the toxic constituents present in primary and secondary treatment sludges, and thus have significantly lower concentrations of hazardous constituents. As these waters would not be expected to generate hazardous primary treatment sludges, EPA believes they should be addressed separately.

A second area of concern is the status of floats emanating from F038 units as a result of biological treatment. While EPA did not originally intend to regulate such floats, some confusion may have arisen because of the inclusion of floats generated in physical or chemical treatment units.

Action

This rule is intended to clarify EPA's original intent. It amends the listing definitions for F037 and F038 to **exclude sludges** generated from non-contact, once-through cooling waters that are segregated for treatment. This rule will also amend the definition of F038 wastes to specifically exclude from regulation floats emanating from the F038 treatment units as a result of aggressive biological treatment.

Public Comment

To assist EPA in determining whether these excluded wastes pose an environmental hazard, the Agency is requesting any relevant data that may support or refute the contention that non-contact, once-through cooling waters are substantially different from other wastewaters included in the definition of oily waters.

Comments should be sent to EPA within 60 days of the Federal Register notice's publication date. For instructions on submitting written comments, please see the Federal Register notice. It is available for free by calling the RCRA Hotline or by visiting EPA's RCRA Docket in Washington, DC. The RCRA Docket address is:

RCRA Docket (OS-305)
U.S. Environmental Protection Agency
401 M Street, S.W., Room M2427
Washington, D.C. 20460

For Further Information

For further information, or to order a copy of the Federal Register notice, please contact the RCRA/Superfund Hotline Monday through Friday, 8:30 a.m. to 4:30 p.m. EST. The national toll-free number is (800) 424-9346, or TDD (800) 553-7672 for the hearing impaired. In the Washington, D.C., area, the number is (703) 920-9810 or TDD (703) 486-3323.